

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 114

S.P. 62

In Senate, January 8, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COLLINS of Aroostook.

Cosponsored by Senator TWITCHELL of Oxford and Representative ANDERSON of Woodland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Exempt Certain Activities from the Site Location of Development Laws.



2 Be it enacted by the People of the State of Maine as follows:

4 38 MRS §489-C is enacted to read:

6 §489-C. Exemption from site location laws; municipal review

8 Notwithstanding section 488, a nonresidential development
10 that meets the following criteria is exempt from the provisions
12 of article 6:

14 1. Negligible air emissions. An air emission license is
16 not required under the provisions of section 590;

18 2. Negligible waste discharges. A waste discharge license
20 is not required under the provisions of section 413;

22 3. Negligible traffic impacts. The project does not
24 generate any additional retail traffic or does not generate
26 additional retail traffic sufficient to cause the traffic in the
28 vicinity of the project to exceed traffic standards established
30 under section 484, subsection 2; and

32 4. Planning; code enforcement; appeals. The development is
34 located entirely within a municipality in which:

36 A. A municipal planning board or site plan reviewing
38 authority is established;

40 B. A code enforcement officer is employed by the
42 municipality;

44 C. Procedures for appeal by aggrieved parties of local
46 decisions are established; and

48 D. The development is subject to municipal review under
Title 30-A, chapter 187.

STATEMENT OF FACT

This bill exempts nonresidential developments from review by the Department of Environmental Protection under the site location of development laws in Title 38, chapter 3, article 6, if the project does not require an air emission license, a waste discharge license, does not cause significant increases in retail traffic in the vicinity of the project and is located in a municipality that has a planning board or municipal reviewing authority, a code enforcement officer and an appeals process for aggrieved parties.